

LOCAL LAW NO. 2 [INTRODUCTORY] OF THE YEAR 2015

PETROLEUM TRANSMISSION PIPELINES

TABLE OF CONTENTS

Section 1.....	2
Findings and Purpose.....	2
Section 2.....	3
Zoning Chapter Amendments.....	3
Section 3.....	4
SEQRA	4
Type of Action:.....	4
Lead Agency:.....	4
Declaration of Significance:.....	4
Section 4.....	4
Severability	4
Section 5.....	5
Effective Date	5

PETROLEUM TRANSMISSION PIPELINES

A local law to prohibit petroleum transmission pipeline construction as a use anywhere in the Village of Tuxedo Park.

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF TUXEDO PARK AS
FOLLOWS:

Section 1.

Findings and Purpose

1.1. The Village Board of the Village of Tuxedo Park does hereby make the following findings and does hereby declare the following purposes with regard to the enactment of this local law:

- ⇒ The village has learned that a Pipeline Company is proposing to build a new bi-directional pipeline through the Village of Tuxedo Park that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey.
- ⇒ The village finds that bringing any liquified petroleum product via pipeline into and through our community endangers our families, property, and environment.
- ⇒ The village finds that bringing any liquified petroleum product via pipeline fuel into and through our community endangers our surface and subsurface water sources, our reservoir and lakes, important protected species (i.e. bald eagles, timber rattlesnakes, woodpeckers, etc..), and our environment as a whole;
- ⇒ The village finds that the pipeline raises significant safety concerns for the Village of Tuxedo Park, as well as potential harm to municipal and county infrastructure, and likely negative impact upon future development in the community;

The Village of Tuxedo Park is a unique community listed on the National Register of Historic Places, and there is a concern that the pipeline would negatively impact the unique characteristics that underlie its listing on the National Register of Historic Places.

- ⇒ The Village of Tuxedo Park is concerned that heavy construction equipment will also be in close proximity to homes and foundations due to the constraints of available workspace. Temporary workspace usage will also severely impact the existing soil reducing water absorption and may increase future flooding possibilities;
- ⇒ The Village of Tuxedo Park is concerned about the hazard the project may create due to the nature and volume of the highly flammable oil flowing through such pipeline, and its proposed route, which crosses through residential neighborhoods. These communities will be in the "impact radius" should an explosion and or spill occur;
- ⇒ The village finds that the potential for a pipeline explosion could harm hundreds of people and therefore has grave concerns that this project might negatively affect the health, safety, and welfare of our citizens;
- ⇒ The village finds that any pipeline carrying liquified petroleum products may result in a loss of tax revenue for the Village of Tuxedo Park based on right-of-way agreements with any pipeline company and a decline in the property values of homes along and adjacent to the new such pipeline and surrounding neighborhoods as a direct result of the project;
- ⇒ The wise stewardship of our natural resources involves protection of Village of Tuxedo Park water supplies and other natural resources for generations to come;
- ⇒ The village finds that protection of water supplies and resources is better accomplished by prevention of contamination and environmental degradation, than by attempting to clean up contamination and restoring degraded environments after the fact;
- ⇒ Based upon the foregoing findings, the village determines to amend its zoning chapter so as to prohibit liquified petroleum pipeline construction as a use anywhere in the village.

Section 2.

Zoning Chapter Amendments

2.1. Subparagraph "F" of section 100-6 [Permitted Uses] contained within Article IV [District Regulations] of Chapter 100 [Zoning] of the Village of Tuxedo Park code shall be repealed and replaced with a new Section 100-6(F) to read as follows:

Sec. 100-6 Permitted uses.

* * * *

- F. Public utility or municipal structures necessary for the service or petroleum products of the area. Notwithstanding the foregoing, construction of refined or unrefined petroleum transmission of petroleum products anywhere within the village is prohibited.

Section 3.

SEQRA

Type of Action:

3.1. This matter constitutes a Type I action under the State Environmental Quality Review Act.

Lead Agency:

3.2. The Village of Tuxedo Park Village Board is the lead agency in regard to this action. The Village Board's status as lead agency was established on _____.

Declaration of Significance:

3.3. A negative declaration was issued on _____.

Section 4.

Severability

4.1. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law on its application to the person, individual, firm or corporation or circumstance, di-

rectly involved in the controversy in which such judgment or order shall be rendered.

Section 5.

Effective Date

5.1. This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.

Dated: September 9, 2015
Tuxedo Park, New York